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5 Attorneys for Plaintiff
6 United States of America

7 IN THE UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,
10

11 Plaintiff,

12 v.

13 CARLOS EFRAIN PEREZ

14 Defendant.

CASE NO. 1:21-CR-00179-JLT-SKO

STIPULATION TO CONTINUE

15
16 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
17 through defendant's counsel of record, hereby stipulate as follows:

- 18 1. By previous order, this matter was set for a status conference regarding the mental competency of
19 the defendant on February 13, 2023, at 10:00 a.m.
- 20 2. The defendant now seeks to continue the status conference until February 27, 2023, at 10:00 a.m.
21 and to exclude time up to and including that date. The government has no objection to the
22 defense request.
- 23 3. Defense is seeking this additional time because the parties have yet to receive the competency
24 report from the Bureau of Prisons documenting the defendant's treatment. Defense counsel
25 needs to receive the report and needs time to meet with his client before the next court hearing so
26 that defense counsel can discuss the results of the report with his client and consider a potential
27 pretrial resolution of the case. Defense counsel believes that the requested continuance should
28 provide enough time for the parties to receive the report and for defense counsel to accomplish

these tasks.

4. The parties agree and stipulate, and request that the Court find the following:

- a) The ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
- b) Having found by a preponderance of the evidence that the defendant is presently incompetent to stand trial, the Court ordered the defendant committed to the custody of the Attorney General for a period of four months for treatment in a suitable facility, pursuant to 18 U.S.C. § 4241(d).
- c) The defendant's mental health status has not been resolved and the parties cannot proceed to trial on the case until defendant's mental health status is resolved.
- d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 13, 2023, to February 27, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(4), for "delay resulting from the fact that the defendant is mentally incompetent . . . to stand trial" and because good cause exists for the continuance of a status conference, and time should be further excluded as the ends of justice outweigh the interest of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

1 Dated: February 2, 2023

PHILLIP A. TALBERT
United States Attorney

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3 By: /s/ JUSTIN J. GILIO
4 JUSTIN J. GILIO
Assistant United States Attorney

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6 Dated: February 2, 2023

/s/ DOUGLAS BEEVERS
Attorney for Defendant
CARLOS EFRAIN PEREZ

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10 **[PROPOSED] ORDER**

11 IT IS SO FOUND.

12 IT IS SO ORDERED.

13 Dated: **February 2, 2023**

14 
UNITED STATES DISTRICT JUDGE